



**Staff Report  
CUP-11-01**

*PROPOSED CONDITIONAL USE PERMIT FOR  
MULTI-FAMILY USE IN R1 ZONING*

**June 8, 2011**

## I. INTRODUCTION

MEETING DATE: June 16, 2011

CASE NUMBER: CUP-11-01

LOCATION: The subject site is a 1.2 acre property in the unincorporated community of Pine. The site is off Walnut Lane.

TAX PARCEL: 301-52-003K

ADDRESS: 4997 Walnut Ln, Pine

APPLICANT: Richard & Susan Ray, part owners

REQUEST: "Finish basement add kitchen & two bedroom and two bathrooms to lower level of completed residence-family use only, no rentals-immediate 'family compound'"  
*Note: Because this level is independent of the rest of the home, it creates a separate and distinct home and makes the building a duplex*

PURPOSE: To request a Conditional Use Permit for a multi-family (duplex) use in a single family residential use zoning district

## II. EXISTING LAND USE / ZONING DESIGNATION

The subject site and surrounding properties in this neighborhood are within the R1-D35 zoning district. R1=(Residence One) D35=(Density District) This district is intended to promote the development of single family dwellings, intending that all other uses be installed, operated and maintained in a manner so as to complement, or at least be of a minimum disruption to such single family uses.

## III. BACKGROUND INFORMATION

Per the applicant, the citizen notification meeting, to inform property owners within 300' of the subject site of an intended zoning action, was held on May 24, 2011 in Mesa, AZ. No property owners attended, but several called. There were no negative responses.

## IV. APPLICABLE REQUIREMENTS

Zoning requirements for Conditional Uses and Conditional Use Permits are provided in Section 103.11 of the zoning ordinance. R1 district requirements are in Section 104.2, Item A, 5, a. See the following excerpts:

### **103.11** **CONDITIONAL USES AND CONDITIONAL USE PERMITS**

1. GENERAL: As defined in Section 102, Conditional Uses are those uses which, although not specifically permitted in a given zoning district, would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions. Conditional Use Permits shall be issued setting forth all qualifying conditions subject to the procedures for rezoning found in Section 105 Amendment Procedures.

3. HEARING:

- A. Upon receipt of a complete application and site plan and the non-refundable application fee, a hearing on the application shall be scheduled before the Planning and Zoning Commission.
- B. The Planning and Zoning Commission may either deny the application, recommend its approval subject to qualifying conditions, or return it to staff for further study prior to a rehearing.
- C. Once a recommendation has been made by the Planning and Zoning Commission, a hearing on the application shall be scheduled before the Board of Supervisors.
- D. The Board of Supervisors may either deny the application, accept the recommendation of the Planning and Zoning Commission, modify the recommendation, or send the application back to the Commission for further study.
- E. Upon the final approval of the Board, a Conditional Use Permit shall be issued by the Department setting forth all qualifying conditions.

**Section 104.2, Residence One District**

5. Uses Subject to a Conditional Use Permit:

- k. Other uses which can become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

**VI. ANALYSIS**

- A. Since this proposed multi-family dwelling will not expand past the existing building footprint and will be for family use only, there are few compatibility concerns. Some similar uses that are allowed in R1 zoning with a Conditional Use Permit are: nursery schools & day care centers, bed & breakfast establishments, and churches, convents and parish houses. There appears to be plenty of available parking on the property.
- B. Staff has inspected the subject site and finds that this residential property can accommodate the proposed multi-family use (duplex) and has sufficient parking and the sanitary facilities can be upgraded to accommodate the use.

## **VII. RECOMMENDATION:**

Because the multi-family use is to be in an existing building, could be compatible with the surrounding land uses and topography, and the use is allowed by the Zoning Ordinance through the Conditional Use Permit process, staff suggests:

That the Planning and Zoning Commission recommend to the Board of Supervisors approval of application CUP-11-01; that the 1.2 acre property at 4997 Walnut Lane, Pine, Arizona, currently recognized as tax parcel 301-52-003K, shall be allowed the multi-family duplex use, if and when the following conditions are met:

1. Any building permits that are necessary shall be obtained and the project shall be inspected and approved for occupancy by the Building Department.
2. All parking shall be accommodated on the site.
3. No additional homes to be allowed on the property because it will exceed the density district limits.
4. Violations of any of these conditions shall be grounds for suspension or revocation of this Conditional Use Permit.
5. All units shall be for the use of family members only.